

LEWIS JOHS
Lewis Johs Avallone Aviles, LLP
Counsellors at Law

October 4, 2023

Via ECF


The Honorable Jennifer L. Rochon
U.S. District Court, S.D.N.Y.
500 Pearl Street
New York, NY 10007

The Honorable James L. Cott
U.S. District Court, S.D.N.Y.
500 Pearl Street
New York, NY 10007

Request **GRANTED**. The Clerk of Court is respectfully directed to maintain ECF No. 94 under seal and viewable by the parties and the Court, and to terminate ECF No. 96.

Dated: October 11, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

Re: Calcano-King v. Goulette et al., Case Docket No.: 21-CV-8059-JLR

Dear Judge Rochon:

I represent the defendants in this matter. I am writing to request that the Settlement Documents in this matter, filed by plaintiff's counsel in unredacted form and not under seal, as Attachment 1 to Document 94 on October 3, 2023, be marked permanently as "Confidential" and "Under Seal" and only available to be viewed by the parties.

This matter settled during a settlement conference before Magistrate Cott on September 5, 2023. The settlement was conditioned upon confidentiality, and this condition was placed on the record. Plaintiff and plaintiff's counsel both accepted this condition on the record. The Settlement and Confidentiality Agreement, part of Attachment 1 to Document 94, was executed by both plaintiff and plaintiff's counsel and included a confidentiality clause.

I contacted plaintiff's counsel Michael Cervini earlier today, advised that the document had been improperly filed in violation of the confidentiality agreement and the condition precedent to the settlement, and asked that he remove it from ECF and replace it with a redacted version or file it under seal. Two hours later, the document remained viewable to the public at large. Accordingly, I contacted SDNY ECF and they temporarily marked the document Confidential on an emergency basis.

I now write to request that the Settlement Documents filed by plaintiff's counsel as Attachment 1 to Document 94 on October 3, 2023 be permanently marked "Confidential" and "Under Seal", available only to the parties.



Lewis Johs Avallone Aviles, LLP

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Thank you for your time and attention.

Respectfully submitted,

Very truly yours,

/s/

Jessica Klotz

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Islandia Office

cc via ECF: Michael Cervini, Esq.